

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of |) | |
| |) | |
| WHITE <i>et al.</i> |) | Art Unit: 1657 |
| |) | |
| Application No. 10/519,731 |) | Examiner: Srivastava, Kailash C. |
| |) | |
| Filing Date: July 5, 2005 |) | Confirmation No. 5125 |
| |) | |
| For: INHIBITORS OF FTSZ AND USES |) | |
| THEREOF |) | |

DECLARATION OF ROBERT C. REYNOLDS UNDER 37 C.F.R. § 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

BALLARD SPAHR ANDREWS &
INGERSOLL, LLP

Customer Number 23859

Sir:

I, Robert C. Reynolds, a citizen of the United States, residing at 4300 Fair Oaks Drive, Birmingham, AL 35213 declare that:


1. I am a co-inventor with E. Lucile White and William J. Suling of the above-identified patent application and of the subject matter described and claimed therein.
2. I am co-author of the article by E. Lucile White, William J. Suling, Larry J. Ross, and Laine E. Seitz entitled "2-Alkoxy carbonylaminopyridines: inhibitors of *Mycobacterium tuberculosis* FtsZ," *Journal of Antimicrobial Chemotherapy*, Vol. 50 pp. 111-114 (2002) (hereinafter "White *et al.* article"). The compounds disclosed in the White *et al.* article were invented by E. Lucile White, William J. Suling, and me.
3. Co-authors, Larry J. Ross, and Laine E. Seitz, of the White *et al.* article did not participate in the conception and reduction to practice of the subject matter of Claims 27-29 and

32-35 of the above-identified application. Therefore, Larry J. Ross, and Laine E. Seitz were included as co-authors in the White *et al.* article for their contribution, but were not involved in the conception of the method recited in Claims 27-29 and 32-35.

4. I understand that the White *et al.* article has been applied in a rejection against Claims 27-29 and 32-35 of the above-identified application. Specifically, I understand that the description of the compounds tested as inhibitors of *Mycobacterium tuberculosis* FtsZ are alleged to render the methods recited in the present claims as being obvious in view of "Slow Polymerization of *Mycobacterium tuberculosis* FtsZ," *Journal of Bacteriology*, Vol. 182, pp. 4028-4034 (200) (hereinafter "White 2") and U.S. 6,319, 958 B1.

5. I declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any patent issuing therefrom.

10/28/09
Date


ROBERT C. REYNOLDS